

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

LOUIS V. SCHOOLER and FIRST
FINANCIAL PLANNING
CORPORATION, dba Western
Financial Planning Corporation,

Defendants.

CASE NO. 3:12-cv-2164-GPC-JMA

ORDER:

**APPROVING RECEIVER'S
RECOMMENDATIONS
REGARDING:**

**(1) LETTERS OF INTENT TO
PURCHASE DAYTON I, DAYTON
IV, FERNLEY I, LAS VEGAS 2,
AND STEAD PROPERTIES**

**(2) ENGAGEMENT OF REAL
ESTATE BROKERS FOR LAS
VEGAS 1, LAS VEGAS 2, AND
TECATE PROPERTIES**

[ECF No. 1169, 1203, 1281]

**DENYING RECEIVER'S *EX*
PORTE APPLICATION FOR
ORDER CONFIRMING SALE OF
JAMUL VALLEY PROPERTY**

[ECF Nos. 1191]

**GRANTING RECEIVER'S
MOTION TO FILE UNDER SEAL**

[ECF No. 1280]

Before the Court is Receiver Thomas C. Hebrank's (the "Receiver") Ex Parte Application for Permission to File Under Seal. ECF No. 1280. Generally,

1 “compelling reasons” must exist to seal documents filed in support of a dispositive
 2 motion. See *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th
 3 Cir. 2006). Where a court filing contains “business information that might harm a
 4 litigant’s competitive standing,” the court may properly deny public access. *Nixon v.*
 5 *Warner Commc’ns*, 435 U.S. 589, 598 (1978). The Receiver seeks to file under seal
 6 his recommendation regarding a letter of intent to purchase one GP property. The
 7 Court finds that the information the Receiver seeks to file under seal could
 8 negatively affect the amount of other offers and therefore the ultimate price for the
 9 property that can be obtained. Accordingly, the Court **GRANTS** the Receiver’s ex
 10 parte application for permission to file under seal. ECF No. 1280.


11 Also before the Court are a number of recommendations made by the
 12 Receiver concerning the disposition of properties under receivership. Having reviewed
 13 the Receiver’s recommendations, **IT IS HEREBY ORDERED THAT:**

- 14 1. The Court **APPROVES** and **ADOPTS** the Receiver’s Recommendations
 15 Regarding Letters of Intent to Purchase Dayton I, Dayton IV, Fernley I, Las
 16 Vegas 2, and Stead Properties. ECF No. 1169.
- 17 2. The Court **APPROVES** and **ADOPTS** the Receiver’s Recommendation
 18 Regarding Engagement of Real Estate Brokers for Las Vegas 1, Las Vegas 2,
 19 and Tecate Properties. ECF No. 1203.
- 20 3. The Court **APPROVES** and **ADOPTS** the Receiver’s Recommendation
 21 Regarding Letter of Intent to Purchase Dayton IV Property. ECF No. 1281.
- 22 4. The Court **DENIES** the Receiver’s *Ex Parte* Application for Order Confirming
 23 Sale of Jamul Valley Property, and **DIRECTS** the Receiver to refile his
 24 application as a motion for order for approval of the sale, *see* ECF No. 1285,
 25 incorporating the 28 U.S.C. § 2001(a) public auction procedures proposed in the
 26 Receiver’s supplemental brief, ECF No. 1225, and in accordance with the terms
 27 of the Court’s May 25, 2016 Order Directing Orderly Sale Procedures, within
 28 **fourteen (14) days** of the issuance of this Order. Any response to the refiled

1 motion shall be filed on or before **June 17, 2016**. Any reply shall be filed on or
2 before **July 1, 2016**. A hearing on the refiled motion is set for **July 15, 2016, at**
3 **1.30 p.m.** in Courtroom 2D.

4 **IT IS SO ORDERED.**

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6 DATED: May 25, 2016

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8 HON. GONZALO P. CURIEL
9 United States District Judge
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